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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,070	01/24/2001	Michael Lunsford	PALM-3238.US.P	7197

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/770,070

Applicant(s)

MICHAEL LUNSFORD ET AL.

Examiner

Naghmeh Mehrpour

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/17/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 17, 2004 has been entered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 5-7, 29-30, 33-34**, are rejected under 35 U.S.C. 102(e) as being anticipated by Ficco et al. (US Patent Number 2002/0035404 A10).

Regarding **claims 1, 29**, Ficco teaches a system and comprising:

a portable computing device that uses a radio frequency (RF) technology (page 8 section 0099, page 9 section 104) for wirelessly transmitting a control signal based on an occurrence of

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**scheduled** a time, and date (page 11 section 124), the utilizing performed by a portable computing device (Page 3 section 0036);

a device for receiving the control signal and performing an action corresponding to the control signal (page 3 section 0037);

**wherein the portable computing device remotely triggers the device to perform the action (page 10 sections 0122, 0123).**

Regarding **claim 5**, Ficco teaches a system wherein the **portable computing device for wirelessly transmitting a second control signal based on an occurrence of a second scheduled time and date, the second control signal for causing the device to discontinue performing the action (page 11 section 0124).**

Regarding **claim 6**, Ficco teaches a system wherein the **action is activating the device deactivating the device or adjusting a setting of the device (page 10 section 0123).**

Regarding **claims 7, 33**, Ficco teaches a system teaches a system wherein the device is a television, a thermostat, a videocassette recorder (VCR), a coffee maker (page 1 section 0009), a computer system, a security system or a radio. a sprinkler system, a security system, or a radio (page 3 section 0040)

Regarding **claims 8, 34**, Ficco teaches that the system a device for wirelessly transmitting status information to the portable computing device (page 9 sections 0099, 0104).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 4, 32**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco et al. (US Patent number 2002/0035404 A1)

Regarding **claims 4, 32**, Ficco fails to teach a system wherein the radio frequency technology comprises **IEEE 802.11 technology, HOMERF technology, and Blue tooth technology.**

However the use of radio frequency technology comprising: IEEE 802.11 technology, HOMERF technology, and Blue tooth technology are well known in the art. Therefore, the examiner takes official notice that, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement using RF teaching such as IEEE 802.11 technology, HOMERF technology, and Blue tooth, technology with Ficco, in order to enable the users to automatically detect, activate/deactivate or changing the conditions of items remotely by using a short rang or a long range.

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6. **Claims 2-3, 9, 15-16, 18, 24-25, 30**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco et al. (US Patent number 2002/0035404 A1) in view of Pepe et al. (US Patent Number 5,742,905).

Regarding **claims 2, 30**, Ficco teaches a portable computing device (page 3 section 0041).

However Ficco does not mention that the portable device is a PDA. Pepe teaches a mobile communication subscriber has various portable messaging equipments, such as PDA, cellular phone, and pager (col 5 lines 40-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Pepe with Ficco's system, in order to increase speed and improve quality of information about user items, and allow a user to automatically detect, activate/deactivate or change the conditions of items remotely.

Regarding **claim 3**, Ficco fails to teach a system wherein the device is for wirelessly transmitting an acknowledgement signal to the portable computing device. However Pepe teaches teach a system wherein the device for wirelessly transmitting an acknowledgement signal to the portable computing device (col 19 lines 45-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Pepe with Ficco's system, in order to increase speed and improve quality of information about user items, and allow a user to automatically detect, and change the conditions of items remotely.

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Regarding **claims 9, 18**, Ficco fails to teach that the device wirelessly retransmitting the control signal at a regular interval of time **to trigger the device to perform the action**. However Pepe teaches that the device wirelessly retransmits the control signal at a regular interval of time **to trigger the device to perform the action** (col 18 lines 29-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Ficco with Pepe, in order to automatically provide recording of each of a plurality of desired TV programs between predetermined times.

Regarding **claim 15**, Ficco teaches a system/device comprising:

a portable computing device for wirelessly transmitting a control signal based on an occurrence even, and the device wirelessly receiving said control signal and performing an action corresponding to said control signal (page 3 section 0036);

**wherein the portable computing device remotely triggers the device to perform the action (page 10 sections 00122, 01237);**

**a device utilizing communication technology to wirelessly transmit a control signal based on an occurrence of a predefined time and day (page 11 section 0124).**

Ficco does not teach the device is a PDA. However Pepe teaches that the portable computing device/ Personal communication device/PDA that wirelessly transmits a control signal based on an occurrence of a predefined time (col 17 lines 50-65, col 18 lines 11-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Pepe with Ficco, in order to increase speed and improve quality of providing information about user items, and allow a user to control specific events or conditions when

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selected condition occurs, and to automatically detect, activate/deactivate or change the conditions of items remotely. Ficco modified by Pepe fails to teach a system operating wirelessly with Blue tooth technology. However a Blue tooth technology is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching with Ficco modified by Pepe, in order to increase speed and improve quality of controlling specific events or conditions when selected condition occurs by user remotely.

Regarding **claim 16**, Ficco teaches a system wherein the device is a television, a thermostat, a videocassette recorder (VCR), a coffee maker (page 1 section 0009), a computer system, a security system or a radio. a sprinkler system, a security system, or a radio (page 3 section 0040)

Regarding **claims 24-25**, Ficco teaches a system wherein the action comprises: the operation of activating/deactivating **the device** (page 11 section 0124).

7. **Claim 10**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco et al. (US Patent number 2002/0035404 A1) in view of Bentley (US Patent Number 6,591,094 B1).

Regarding **claim 10**, Ficco fails to teach a system wherein the portable computing device for alarming before wirelessly transmitting the control signal to **trigger the device to perform the action**. However Bentley teaches a system wherein the portable computing device for alarming



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before wirelessly transmitting the control signal to **trigger the device to perform the action** (page col 5 lines 39-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Bentley with Ficco, in order to allow the user monitoring and control of selected conditions and functions.

8. **Claims 17, 19**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco et al. (US Patent number 2002/0035404 A1) in view of Pepe et al. (US Patent Number 5,742,905) in further view of Bentley (US Patent Number 6,591,094 B1).

Regarding **claim 17**, Ficco fails to teach a system teaches a system wherein the device wirelessly transmits status information to the personal digital assistant. However Pepe teaches that the portable computing device/ Personal communication device/PDA that wirelessly transmits information (col 17 lines 50-65, col 18 lines 11-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Pepe with Bentley, in order to increase speed and improve quality of providing information about user items, and allow a user to control specific events or conditions when selected condition occurs, and to automatically detect, activate/deactivate or change the conditions of items remotely.

Ficco modified by Pepe fails to teach a system wherein the device wirelessly transmits status information. However, Bentley teaches a system wherein the device wirelessly transmits status information (col 8 lines 14-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Bentley with Ficco modified by Pepe, in order to allow the user monitoring and control of selected conditions and functions.

Regarding **claim 19**, Ficco modified by Pepe fails to teach a system wherein the portable computing device for alarming before wirelessly transmitting the control signal to **trigger the device to perform the action**. However Bentley teaches a system wherein the portable computing device for alarming before wirelessly transmitting the control signal to **trigger the device to perform the action** (page col 5 lines 39-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Bentley's with Ficco modified by Pepe, in order to allow the user monitoring and control of selected conditions and functions.

9. **Claims 26-28**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco (US Patent Number 2002/0035404 A1) and Pepe et al. (US Patent Number 5,742,905) in view Kim et al. (US Patent Number 6,118,926).

Regarding **claims 26-28**, Ficco further teaches a system wherein the action comprises: monitor conditions of user vehicle, home alarm system that detects emergency conditions, intrusion burglary of a users home or business, activate/de-activate home system such as heating or hot water system, the status of door sensors, window sensors, smoke detectors, fire and flood sensors or any abnormal condition results in immediate notification to the home owner (col 3 lines 55-67), by using electronic mail, facsimile, pager telephone over telephone or public information network such as Internet (col 1 lines 5-11). The combination of Ficco and Pepe does not specifically mention that the system actions comprise: recording a television show, adjusting, a

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setting, and downloading the show. However Kim teaches a system wherein the action comprises recording and adjusting, and setting a television show (col 2 lines 1-40, col 3 lines 53-65). Since downloading is part of the recording procedures, therefore, Kim further inherently teaches downloading (col 1 lines 63-67, col 2 lines 1-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Kim with the combination of Ficco modified by Pepe, in order to automatically provide recording of each of a plurality of desired TV programs between predetermined times.

10. **Claims 11-14, 20-23, 31**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco (US Patent Number 2002/0035404 A1) in view of Pepe et al. (US Patent Number 5,742,905) and further in view of Mahany et al. (US Patent Number 5,657,317).

Regarding **claims 11-13, 20-21**, the combination of Ficco and Pepe does not specifically mention that the system comprises: a relay for wirelessly extending the communication range between the portable computing device and the device. However Mahany teaches a system comprises: a relay (35, 36) for wirelessly extending the communication range between the portable computing device and the device (see figure 1b, col 11 lines 40-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Mahany with Ficco modified by Pepe, in order, for the mobile user to be able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection.

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Regarding **claims 14, 23, 31**, the combination of Ficco and Pepe fails to teach a system comprising: a mobile phone for extending the communication distance between the portable computing device and the device (see figure 1b, col 11 lines 40-59). However Mahany a mobile phone for extending the communication distance between the portable computing device and the device (see figure 1b, col 11 lines 40-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of the combination of Ficco and Pepe with, in order for the mobile user to be able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection.

Regarding **claim 22**, the combination of Ficco and Pepe does not specifically mention that system comprises: a relay (wirelessly) coupled to the device. However Mahany teaches a system wherein a relay 3007 wirelessly coupled to the device (controller, 3017, see figure 28A). The terminal 3007 is acting as a relaying device. For example, to reach the base station 3015 the commuting device 3009 first transmits to the mobile terminal 3007, and the mobile terminal 3007 relays the signal to the base station 3015 (see figure 28A). Upon receipt, the mobile terminal 3007 relays the transmission, and forwarded to one of the base stations 3015/3017 (col 45 lines 7-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Mahany with Ficco modified by Pepe, in order for the mobile user to be able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection. Since the mobile terminal (relay) wirelessly coupled to the base station 3017 and the computing portable device 3009. Therefore it

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would have been obvious to one of ordinary skill in the art at the time of the invention for the purpose of having the fix station, physically couple the relay to the device, instead of wirelessly.

***Response to Arguments***

11. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**King** (US Patent 6,308,083 B2) disclose integrated cellular telephone with programmable transmitter

**Conway et al.** (US Patent 6,724,339 B2) disclose system and method for controlling home appliances

**Hayes Jr. et al.** (US Patent Number 6,0295,448 B1) disclose short distance communication and remote control capability for mobile telephone

**Hayes et al.** (US Patent Number 6,480,586 B1) disclose initiation of communications for control of multiple appliances by telephone line

13. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

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**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

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**Or:**

(703) 308-6306, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, Va., sixth Floor (Receptionist). Any inquiry of a general nature or relating to  
the status of this application or proceeding should be directed to the technology Center 2600  
Customer Service Office whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communication from the examiner  
should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The  
examiner can normally be reached on Monday through Thursday (first week of bi-week) and  
Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, Marsha  
Banks-Harold be reached (703) 308-4379.

NM

June 1, 2004

  
**CHARLES APPIAH**  
**PRIMARY EXAMINER**